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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

NIKKIE LYNN CHEEK, an Individual; NIKKIE
LYNN CHEEK and KATHLEEN J.
MANGIONE as Co-Special Administrators for
the ESTATE OF ALINA R. HIGUERA

Plaintiff,

vs.

CENTRAL TRUCKING INC., a Foreign
Corporation; HAROLD EUGENE STROUSE,
an Individual; DOES I through X, inclusive; and
ROE BUSINESS ENTITIES I through X
inclusive,

Defendants.

CASE NO.: 2:22-cv-00271-GMN-BNW

**STIPULATION AND ORDER TO EXTEND
DISCOVERY DEADLINES**

(FOURTH REQUEST)

Plaintiffs, NIKKIE LYNN CHEEK, individually (“Defendant Cheek”), and NIKKIE
LYNN CHEEK and KATHLEEN J. MANGIONE as Co-Special Administrators for the
ESTATE OF ALINA R. HIGUERA (collectively “Defendant Higuera”), Defendants,
CENTRAL TRUCKING, INC. (“Defendant Central Trucking”) and HAROLD STROUSE
(“Defendant Strouse”)(collectively “Defendants”), by and through their respective attorneys, do
hereby stipulate to extend the Rebuttal Expert disclosure and discovery cutoff deadlines in the
above-captioned case for a period of sixty (30) days.



1 Pursuant to LR IA 6-1, the parties hereby aver that this is the first such discovery
2 extension requested in this matter.

3 **DISCOVERY COMPLETED TO DATE**

4 The parties have conducted an FRCP 26(f) conference and have served their respective
5 FRCP 26(a) disclosures;

6 Authorizations have been exchanged and medical records are currently being obtained;

7 Plaintiffs have served Four Supplements to their FRCP 26(a) disclosures;

8 Defendants have served Eight Supplements to their FRCP 26(a) disclosures;

9 Subpoenas have been served and responded to by NHP and Coroner;

10 All Parties have served in written discovery, and such written discovery has been
11 responded. Plaintiffs' Second Set of Requests for Production were recently served and are
12 currently being responded to;

13 Deposition of Trooper Michael Walters;

14 Deposition of Plaintiff Nikkie Cheek;

15 Deposition of Plaintiff Kathleen Mangione;

16 Plaintiffs have designated Stan Smith, Ph.D (Economic) and David A. Stopper
17 (Accident Reconstruction) as specially retained experts, and identified Trooper Michael Walters
18 and Dr. Satish Chundru as non-retained expert witnesses;

19 Defendants have designated Christopher Spaeth, Ph.D. (Toxicology) and S. Dale Fridley
20 (Accident Reconstruction) as specially retained experts.

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**DISCOVERY THAT REMAINS TO BE COMPLETED
AND REASONS FOR REQUESTED EXTENSION**

Plaintiff's recent disclosure of expert witnesses included a report from Stan Smith Ph.D that included evaluation based upon economic documents which has recently been produced and included estimates of damages for loss of wages and employment benefits; loss of household/family services, loss of housekeeping and household management services; the loss of advice, counsel, guidance, instruction and training services; loss of accompaniment services; loss of the value of life, also know as loss of enjoyment of life; and loss of the society or relationship. These damages opinions required Defendant to locate and retain an expert to address these relatively unique damages, of which there are a limited number, and great demand. Unfortunately, the availability of these experts precluded an expert report by the rebuttal deadline, and counsel consulted and agreed to submit the instant stipulation to allow a rebuttal.

Further, Defendant Strouse has been charged criminally for the underlying accident giving rise to this case. As such, Defendant Strouse has objected to giving a deposition until after his trial to prevent any testimony or evidence provided by him from adversely affecting his criminal matter.

The parties have agreed to continue the rebuttal expert deadline and the discovery deadline for 30 days, as rebuttal experts have confirmed that this amount of time will allow them to complete their evaluation and reports, and will allow the parties to complete expert depositions, and the deposition of Defendant Strouse.

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Discovery to be completed includes:

Rebuttal Expert disclosures;

Depositions of expert witnesses;

Deposition of Defendant Strouse

Given the assurances of rebuttal experts, the parties are confident that the granting of the request for a thirty (30) day extension of the remaining discovery deadlines would allow them to complete the disclosures and required discovery. This request is made in good faith, not for the purpose of delay.

NEW DISCOVERY DEADLINES

Initial Expert Disclosure:

Currently: May 8, 2023

Proposed: Completed

Rebuttal Expert Disclosure:

Currently: June 6, 2023

Proposed: July 5, 2023

Discovery Cutoff:

Currently: July 7, 2023

Proposed: August 7, 2023

Dispositive Motions:

Currently: August 8, 2023

Proposed: September 8, 2023

Pretrial Order:

Currently: September 5, 2023, or 30 days after resolution of dispositive motions per Local Rule 26-1(b)(5)

Proposed: October 6, 2023, or 30 days after resolution of dispositive motions per Local Rule 26-1(b)(5)



1 If this extension is granted, all rebuttal expert disclosures will be completed and all
2 depositions mentioned above should be concluded within the stipulated extended deadline. The
3 parties aver that this request for extension of discovery deadlines is made by the parties in good
4 faith and not for the purpose of delay.

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6 DATED this 6th day of June, 2023

DATED this 6th day of June, 2023

7 /s/ Peter S. Christiansen

/s/ Alan Westbrook

8 Peter S. Christiansen, Esq. (5254)

Alan Westbrook, Esq. (6167)

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13 **IT IS SO ORDERED:**

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15 **JUDGE OF THE DISTRICT COURT**

16 **DATED:** June 8, 2023
17 _____

CHRISTIANSEN
— TRIAL LAWYERS —

